

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**AAAF'S PRELIMINARY FACT WITNESS LIST TO BE OFFERED IN
CONNECTION WITH PLAN OF ADJUSTMENT CONFIRMATION**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) respectfully submits its Preliminary Fact Witness List (defined below) in accordance with the *Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* (ECF No. 17640) (“Procedures Order”).

AAFAF’s Preliminary Fact Witness List

1. Pursuant to the Procedures Order, the Court directed Eligible Creditors² to file by September 6, 2021 “a preliminary fact witness list and topics about which each witness is expected to testify.” Procedures Order at 3. Set forth below is an initial list of fact witnesses who may testify on behalf of AAFAF in connection with the *Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* [ECF No. 17627] (as it may be amended, modified, or supplemented, the “Plan”) and the topics about which each witness is expected to testify (the “Preliminary Fact Witness List”). AAFAF reserves the right to amend the Preliminary Fact Witness List as trial planning proceeds and to: (i) add or remove witnesses; and (ii) modify the topics about which witnesses may testify or to address responses or objections interposed with respect to confirmation of the Plan.

- Cecile Tirado: Auxiliary Finance Director for ERS³: May provide testimony in connection with (a) the current and prior structure of the Commonwealth’s pensions systems: ERS, JRS, and TRS, as well as (b) the current and prior structures of pension benefits, and entitlement to such benefits, of Active Participants and Retirees in connection with ERS, JRS, and TRS.
- Either Dennis Barrett or Fernando Batlle: Senior Managing Directors for Ankura Consulting Group, LLC: May provide testimony regarding government-submitted fiscal plans and budgets for the Debtors, including, but not limited to, the

² The Procedures Order provides that capitalized terms not defined have the meaning in the Oversight Board’s Procedures Motion at ECF No. 16757. That motion [at 16] defines “Eligible Creditor” as “parties in interest,” which includes AAFAF.

³ Capitalized terms not defined have the meaning ascribed in the Plan.

government's financial projections contained therein as they pertain to the government's ability to repay its pension obligations.

2. AAFAF respectfully requests the Court take notice of the foregoing.

Dated: September 6, 2021
San Juan, Puerto Rico

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Peter Friedman

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

/s/ Luis C. Marini-Biaggi
Luis C. Marini-Biaggi